

**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)
8400-0013

In re Application of: Paul A. WENDER et al.

Application No.: 10/078,247

Filed: February 14, 2002

For: TRANSPORTERS COMPRISING SPACED ARGININE MOIETIES

The owners, The Board of Trustees of the Leland Stanford Junior University, and CellGate, Inc., of 100 percent interest in the instant application hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of prior Patent No. 7,229,961, prior Patent No. 6,593,292, prior Patent No. 6,730,293 and prior Patent No. 6,669,951 as the term of said prior patents is defined in 35 U.S.C. §§ 154 and 173, and as the terms of said prior patents are presently shortened by any terminal disclaimer. The owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, the owners do not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of the prior patents, "as the terms of said prior patents are presently shortened by any terminal disclaimer," in the event that said prior patents later:

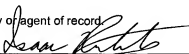
- expire for failure to pay a maintenance fee;
- are held unenforceable;
- are found invalid by a court of competent jurisdiction;
- are statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321;
- have all claims canceled by a reexamination certificate;
- are reissued; or
- are in any manner terminated prior to the expiration of their full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.


Signature

2/19/09
Date

Isaac M. Rutenberg, 57.419

Typed or printed name and Registration No.

650-251-7724

Telephone Number

- ☐ Please charge the terminal disclaimer fee under 37 CFR 1.20(d) to Deposit Account No. 18-0580.

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

Form PTO/SB/96 may be used for making this certification. See MPEP § 324.